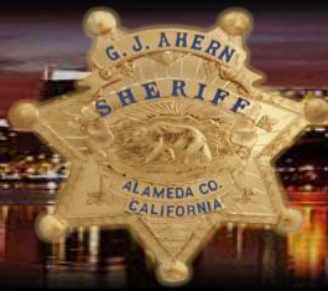


ALAMEDA COUNTY



SHERIFF'S OFFICE

ALAMEDA COUNTY COMMUNITY FORUM

SHERIFF GREGORY J. AHERN

OCTOBER 1, 2018

TRUTH ACT

ASSEMBLY BILL NO. 2792

CHAPTER 768

An act to add Chapter 17.2 (commencing with Section 7283) to Division 7 of Title 1 of the Government Code, relating to local government.

[Approved by Governor September 28, 2016. Filed with Secretary of State September 28, 2016.]

AB 2792, Bonta, Local law enforcement agencies: federal immigration policy enforcement: ICE access.

Government Code Section 7283.1 (d)

- Beginning January 01, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year shall hold at least one community forum during the following year, that is open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment.
- The local law enforcement agency may provide the governing body with data it maintains regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided and whether the ICE access was provided through a hold, transfer, or notification request or through other means.
- Data may be provided in the form of statistics or, if statistics are not maintained, individual records, provided that personally identifiable information shall be redacted.

Government Code Section 7283 (d)

- Ice Access means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:
 - Responding to an ICE hold, notification, or transfer (1).
 - Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise (2).
 - Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise (3).
 - Allowing ICE to interview an individual (4).
 - Providing ICE information regarding dates and times of probation or parole check-ins (5).

GENERAL ORDER 1.24

Under no circumstances shall a person be detained or arrested by Sheriff's Office members based solely on his or her immigration status whether known or unknown.

ACSO General Order precludes us from asking immigration status. ACSO does not track citizenship and/or immigration status.

ACSO and all of our local Law Enforcement Partners do not do Immigration Enforcement.

ALAMEDA COUNTY SHERIFF'S OFFICE GENERAL ORDER	NUMBER: 1.24
	RELATED ORDERS: ACA 4-ALDF-2A-21 General Order 1.22 D&C 11.02, 11.09, 11.40 CA Gov. Code 7282, 7282.5, 7284, 7284.2, 7282.4 7282.6
	ISSUE DATE: January 1, 2014
	REVISION DATE: February 9, 2018
CHAPTER: Law Enforcement Role, Responsibilities, and Relationships	SUBJECT: Communication with Immigration Authorities

- I. **PURPOSE:** The purpose of this order is to provide deputies with guidelines on their duties and responsibilities associated with immigration law, enforcement, arrests, detentions/detainers, and Requests for Notification.
- II. **POLICY:** The Alameda County Sheriff's Office (ACSO) will equally enforce laws and serve the public without consideration of immigration status. The ACSO does not accept nor honor immigration detainers from Immigration and Customs Enforcement (ICE). The immigration status of a person, and the lack of immigration documentation, alone, shall have no bearing on the manner in which staff executes their duties. Please note there is a difference between an arrest warrant signed by a Judge (which ACSO does honor), and an immigration detainer signed by an ICE agent.

Under no circumstances shall a person be detained or arrested by Sheriff's Office members based solely on his or her immigration status whether known or unknown.

III. DEFINITIONS

- A. **IMMIGRATION ENFORCEMENT JURISDICTION:** The U.S. Department of Homeland Security's Immigration and Customs Enforcement Agency (ICE) has primary responsibility to investigate and enforce federal immigration laws.
- B. **DHS Form I-247A (Immigration Detainer-Notice of Action),** requests the following of the receiving law enforcement agency:
1. Requests ACSO notify ICE, as early as practical, of the release date of an inmate prior to his/her release.
 2. Requests ACSO maintain custody of an inmate for a period not to exceed 48 hours beyond his/her scheduled release.
 3. Requests ACSO relay the detainer request to any other law enforcement agency to which the inmate is transferred.
 4. Requests ACSO notify ICE in the event of the inmate's death, hospitalization, or transfer to another institution.

CALIFORNIA PENAL CODE SECTION 13150

For each arrest made, the reporting agency shall report to the Department of Justice, concerning each arrest, the applicable identification and arrest data described in Section 13125 and fingerprints, except as otherwise provided by law or as prescribed by the Department of Justice.

CALIFORNIA PENAL CODE SECTION 13125

All basic information stored in state or local criminal offender record information systems shall be recorded, when applicable and available, in the form of the following data

- *Personal identification data*
- *Arrest data*
- *Misdemeanor or infraction data or preliminary hearing data*
- *Superior court data*
- *Corrections data*

The following personal identification data:

Name—(full name)

Aliases

Monikers

Race

Sex

Date of birth

Place of birth (state or country)

Height

Weight

Hair color

Eye color

CII number

FBI number

Social security number

California operator's license number

Fingerprint classification number

Henry

NCIC

Address

I-247 A Form

Effective April of 2017, ICE consolidated their I-247 forms and created an I-247 A form which is an Immigration Detainer-Notice of Action.

All individuals in our custody are treated in the same manner in order to ensure their care, custody, and control

ACSO does not honor the detainer nor hold individuals past their release dates.

DEPARTMENT OF HOMELAND SECURITY IMMIGRATION DETAINER - NOTICE OF ACTION	
Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)
Name of Alien: _____	
Date of Birth: _____ Citizenship: _____ Sex: _____	
1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).	
<input type="checkbox"/> A final order of removal against the alien; <input type="checkbox"/> The pendency of ongoing removal proceedings against the alien; <input type="checkbox"/> Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or <input type="checkbox"/> Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.	
2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).	
<input type="checkbox"/> Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.	
IT IS THEREFORE REQUESTED THAT YOU:	
<ul style="list-style-type: none">• Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling <input type="checkbox"/> U.S. Immigration and Customs Enforcement (ICE) or <input type="checkbox"/> U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.• Maintain custody of the alien for a period NOT TO EXCEED 48 HOURS beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien must be served with a copy of this form for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters• Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.• Notify this office in the event of the alien's death, hospitalization or transfer to another institution.	
<input type="checkbox"/> If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).	
_____ (Name and title of Immigration Officer)	_____ (Signature of Immigration Officer) (Sign in ink)
Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.	
TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:	
Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____.	
Local Booking/Inmate #: _____ Estimated release date/time: _____	
Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____	
This form was served upon the alien on _____, in the following manner:	
<input type="checkbox"/> in person <input type="checkbox"/> by inmate mail delivery <input type="checkbox"/> other (please specify): _____	
_____ (Name and title of Officer)	_____ (Signature of Officer) (Sign in ink)
DHS Form I-247A (3/17)	Page 1 of 3

2017 SRJ ACCESS

Types of Access	Incidents of Access
1	405
2	209
1,2	201
3	0
4	0
5	0
Total	815

Taken into Custody by ICE in 2017	353
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- 1- Responding to an ICE hold, notification, or transfer (ACSO does not honor ICE holds)
- 2- Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- 3- Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- 4- Allowing ICE to interview an individual.
- 5- Providing ICE information regarding dates and times of probation or parole check-ins.
- *1, 2- Received I-247 A and responded with a release date at same time

2017 SRJ TRUTH ACT DEMOGRAPHICS

	# of Individual persons	Age Range	Response to Notification Request	Response by Other Means	Total incidents of Access
Asian					
Female	4	26-56	7	0	7
Male	31	31-63	65	0	65
Black					
Female	0	0	0	0	0
Male	6	22-56	12	0	12
Hispanic					
Female	27	20-52	47	0	47
Male	444	18-70	628	1	629
Other					
Female	0	0	0	0	0
Male	22	26-48	42	0	42
White					
Female	1	24	2	0	2
Male	7	19-55	11	0	11
Totals	542		814	1	815

2017 GDJ ACCESS

Types of Access	Incidents of Access
1	104
2	26
1,2	21
3	0
4	0
5	0
Total	151

Taken Into Custody by ICE 2017	33
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- 1- Responding to an ICE hold, notification, or transfer (ACSO does not honor ICE holds)
- 2- Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- 3- Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- 4- Allowing ICE to interview an individual.
- 5- Providing ICE information regarding dates and times of probation or parole check-ins.
- *1, 2-Received I-247 A and responded with a release date at same time

2017 GDJ TRUTH ACT DEMOGRAPHICS

	# of Individual persons	Age Range	Response to Notification Request	Response by Other Means	Total incidents of Access
Asian					
Female	0	0	0	0	0
Male	3	51-64	3	0	3
Black					
Female	0	0	0	0	0
Male	3	23-40	3	0	3
Hispanic					
Female	0	0	0	0	0
Male	119	19-63	144	0	144
Other					
Female	0	0	0	0	0
Male	1	49	1	0	1
White					
Female	0	0	0	0	0
Male	0	0	0	0	0
Totals	126		151	0	151

2017 D&C TOTAL ACCESS

Types of Access	Incidents of Access
1	509
2	235
1,2	222
3	0
4	0
5	0
Total	966

- 1- Responding to an ICE hold, notification, or transfer (ACSO does not honor ICE holds)
- 2- Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- 3- Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- 4- Allowing ICE to interview an individual.
- 5- Providing ICE information regarding dates and times of probation or parole check-ins.
- *1, 2 -Received I-247 A and responded with a release date at same time

Taken Into Custody by ICE 2017	386 (GDJ and SRJ combined)
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2017 D&C TOTAL TRUTH ACT DEMOGRAPHICS

	# of Individual persons	Age Range	Response to Notification Request	Response by Other Means	Total incidents of Access
Asian					
Female	4	26-56	7	0	7
Male	34	31-64	68	0	68
Black					
Female	0	0	0	0	0
Male	10	22-56	15	0	15
Hispanic					
Female	27	20-52	47	0	47
Male	563	18-70	772	1	773
Other					
Female	0	0	0	0	0
Male	23	26-49	43	0	43
White					
Female	1	24	2	0	2
Male	7	19-55	11	0	11
Totals	669		965	1	966

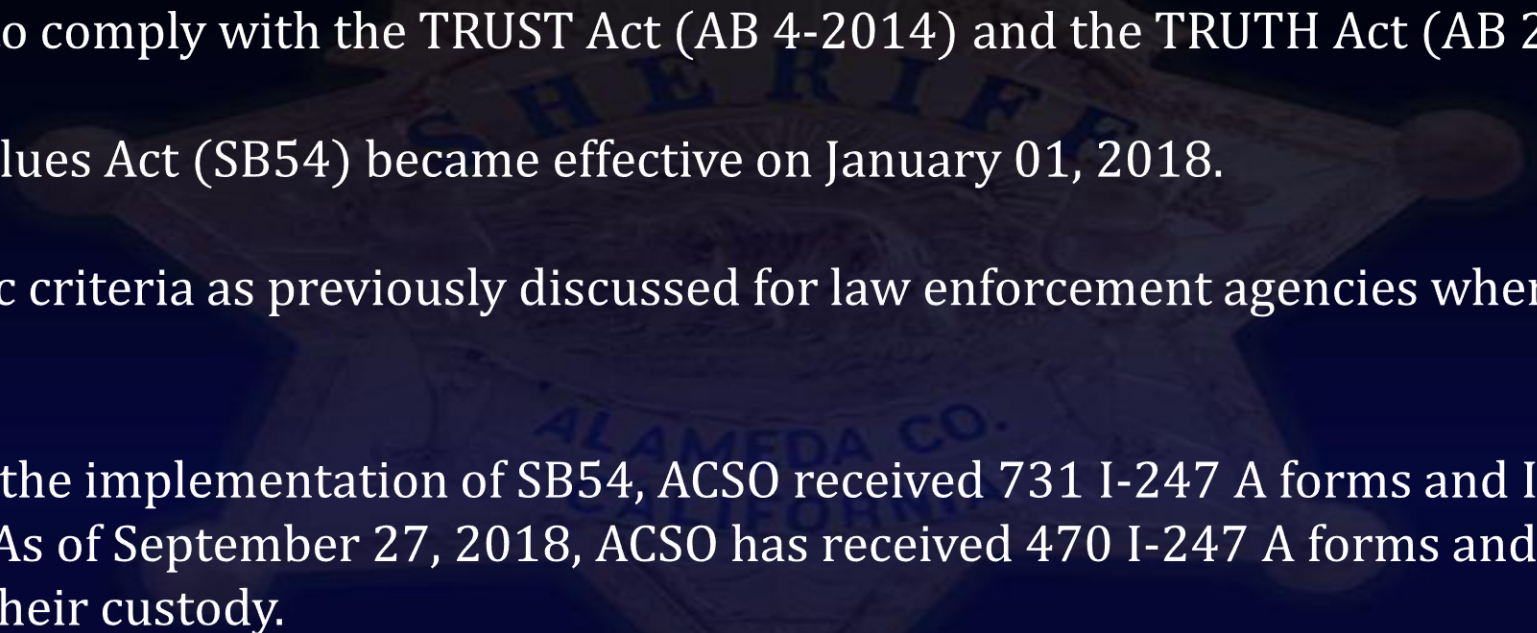
2010-2018 Statistics

Year	Total Request Received	Taken Into Custody by ICE
2010 (June-Dec.)	347 (SRJ)	
2011	483 (SRJ)	
2012	768 (SRJ)	
2013	908	
2014	588	120
2015	191	89
2016	263	165
2017	731	386
2018 through 09/27/2018	470	86

2018- SB54 AND THE TRUTH ACT

- Pursuant to SB 54 ACSO may respond to an ICE request for notification for an individual who meets the following criteria:
 - The individual has been convicted of a serious or violent felony identified in 1192.7 (c) or 667.5 (c) PC.
 - The individual has been convicted of a felony punishable by imprisonment in the state prison.
 - The individual is a current registrant on the California Sex and Arson Registry.
 - The individual is arrested for a serious felony or violent felony, as identified in Penal Code Section 1192.7 (c) or 667.5 (c), or a felony that is punishable by imprisonment in state prison; and after appearing before a magistrate for a preliminary hearing, the magistrate has determined under Penal Code Section 872 that there is probable cause to hold the individual to answer for the crime.
 - The individual has been convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony as described in section 7282.5 of the Government Code.

2018- SB54 AND THE TRUTH ACT

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- ACSO continues to comply with the TRUST Act (AB 4-2014) and the TRUTH Act (AB 2792-2016).
 - The California Values Act (SB54) became effective on January 01, 2018.
 - SB54 sets specific criteria as previously discussed for law enforcement agencies when corresponding with ICE.
 - In 2017, prior to the implementation of SB54, ACSO received 731 I-247 A forms and ICE took custody of 386 individuals. As of September 27, 2018, ACSO has received 470 I-247 A forms and ICE taken 86 individuals into their custody.

ALAMEDA COUNTY



SHERIFF'S OFFICE

QUESTIONS?

COMMENTS?